

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SANDY GRACIANO, ON BEHALF OF
HIMSELF AND ALL OTHERS SIMILARLY
SITUATED,

Plaintiff,

-against-

BIKEBANDIT.COM, LLC, and BIKE
BANDIT, LLC,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/16/2021

1:20-cv-10791 (MKV)

ORDER OF
DISMISSAL

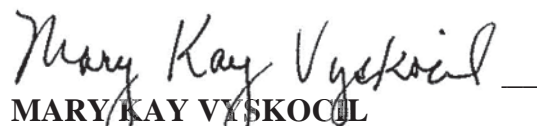
MARY KAY VYSKOCIL, United States District Judge:

The Complaint in this action was filed on December 21, 2020 [ECF No. 1]. An affidavit of service was filed on March 17, 2021, and, according to the facts contained therein, Defendants' responses to the complaint were due March 29, 2021 [ECF No. 8]. No responses were filed, and Plaintiff has not prosecuted this case to date. On June 2, 2021, the Court directed Plaintiff to file a letter on or before June 15, 2021 regarding the status of this case. Nothing was filed by that date. Accordingly, it is hereby:

ORDERED that the above-captioned action is discontinued for failure to prosecute without costs to any party and without prejudice to restoring the action to this Court's calendar if the application to restore the action is made by **July 15, 2021**. If no such application is made by that date, today's dismissal of the action is with prejudice. *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)).

SO ORDERED.

**Date: June 16, 2021
New York, NY**


**MARY KAY VYSKOCIL
United States District Judge**